

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stephen D. Walker; John E. Repinc; Charles W. Henry;
Harry L. Valenta, Jr.; Peter E. Nelson; R. Dale Zellers

Assignee: NOSTIX LLC

Title: Noninvasive Optical Sensor for Measuring Near Infrared Light
Absorbing Analytes

Serial No.: 09/917,414 Filing Date: July 27, 2001

Examiner: Robinson, Daniel Leon Group Art Unit: 3742

Docket No.: 1002,P002 US SMM No.: M-11491 US

Irvine, California
March __, 2004

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

I believe I am an original, first and joint inventor of subject matter (process, machine, manufacture, or composition of matter, or an improvement thereof) which is claimed and for which a patent is sought by way of the above-identified application.

I believe I am an inventor or co-inventor of at least one claim, but not all claims, in the application. I hereby disclaim inventorship of Claims 1-5, 14, and 35-36 of the application and attribute said inventorship to Stephen D. Walker.

I declare that all statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and all statements made herein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain

any false, fictitious or fraudulent statement or entry, shall be subject to the penalties including fine or imprisonment or both as set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or this document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

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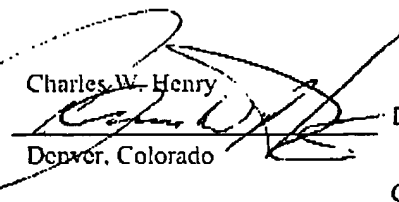
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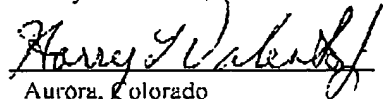
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